

REMARKS

Claims 3-6 are pending. Claim 3 has been amended. Claim 6 has been added. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the November 29, 2007 Office Action, the Examiner rejected claims 3 and 4 under 35 U.S.C. § 102 (b) as being anticipated by Shigemi et al., JP07-121987 (hereinafter Sharp KK). The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sharp KK in view of Jung et al., U.S. Patent No. 6,868,463 (hereinafter Jung). Applicant respectfully traverses the rejection in view of the claims, as amended.

Independent claim 3 recites:

A digital-audio-signal recording apparatus, comprising:
a storage section storing digital audio data;
a write section that writes data on a disk-shaped storage medium;
a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped storage medium, evaluates the status of an erasure state flag and if the erasure state flag is not indicative of an erased state, sets the erasure state flag within file management information to the erased state without erasing the file management information on said storage section, such that the digital audio data stored on said storage section cannot be retrieved by any processing operation other than said write operation, then causes said write section to write the digital audio data to the disk-shaped storage medium, *and after completion of the writing of the digital audio data to the disk-shaped storage medium, the control section sets file validity information for the digital audio data stored in the storage section to non-valid to disable further readout of the digital audio data stored in said storage section and then erases the digital audio data from said storage section.*

The Sharp KK reference does not disclose, teach, or suggest the apparatus specified in independent claim 3. Unlike the apparatus specified in claim 3, Sharp KK does not teach an apparatus having “a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped

storage medium, evaluates the status of an erasure state flag and if the erasure state flag is not indicative of an erased state, sets the erasure state flag within file management information to the erased state without erasing the file management information on said storage section, such that the digital audio data stored on said storage section cannot be retrieved by any processing operation other than said write operation, then causes said write section to write the digital audio data to the disk-shaped storage medium, *and after completion of the writing of the digital audio data to the disk-shaped storage medium, the control section sets file validity information for the digital audio data stored in the storage section to non-valid to disable further readout of the digital audio data stored in said storage section and then erases the digital audio data from said storage section.*" (hereinafter *control section limitation*)

Sharp KK is directed to a disk recording apparatus using a rewriteable optical disk. Sharp KK discloses an apparatus which prevents the unjust digital copying of copyright protected information. The apparatus protects the copyright by recording desired main information reproduced from a first recording medium on a second recording medium and erasing the main information from the first recording medium. (*Sharp KK, Abstract*) Sharp discloses that while the digital copy recorded on the second recording medium as the main information on the first recording medium is performed, the apparatus prevents *editing* of the main information by eliminating the main information to which the digital copy was performed (*i.e.*, the first recording medium). (*Sharp KK, paragraph 0016*)

The Examiner suggests that Sharp KK teaches the functionality of the erasure flag because access to an audio file during copying is prevented by not allowing an ejection of the media. Applicant respectfully disagrees. While prohibiting ejection of the media may prevent physical access to the media, such prohibition does not foreclose other digital means of accessing

the data. Further, as indicated in the background section of the present application, such mechanical locking mechanisms make the digital audio signal apparatus more complicated and expensive structure and a source of failure or malfunction.

In addition, Sharp KK fails to disclose, teach, or suggest that *“after completion of the writing of the digital audio data to the disk-shaped storage medium, the control section sets file validity information for the digital audio data stored in the storage section to non-valid to disable further readout of the digital audio data stored in said storage section.”* Therefore, Sharp KK fails to disclose, teach, or suggest the control section limitation. Accordingly, Applicant respectfully submits that independent claim 3, as amended distinguishes over Sharp KK.

The Jung reference does not make up for the deficiencies of Sharp KK. The Jung reference discloses an audio data recorder which uses an ATAPI bus for transferring audio data. However the combination of Sharp KK and Jung does not disclose, teach or suggest an apparatus including the control section limitation. Accordingly, Applicant respectfully submits that independent claim 3, distinguishes over Sharp KK in combination with Jung.

Claims 4-6 depend from independent claim 3. Accordingly, Applicant respectfully submits that claims 4-6 distinguish over Sharp KK in combination with Jung for the same reasons set forth above with respect to independent claim 3.

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Applicant submits that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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